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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,536	09/27/2000	Naoki Kuwata	4468-007	6773

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EXAMINER

VILLECCO, JOHN M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/670,536

Applicant(s)

KUWATA ET AL.

Examiner

John M. Villecco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-9 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Drawings*

2. The drawings are objected to because each of the drawings are not labeled with a Figure number. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 10b in Figure 4. It appears that the reference number used for the scanner in Figure 4 is incorrectly represented. On page 10, line 7 of the specification, applicant refers to the scanner as reference number 10b. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed

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150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The disclosure is objected to because of the following informalities:

- On page 15, line 7, applicant discloses that the processes in steps 52 and 54 will be described with reference to Figure 1. However, it appears that the processes of step 52 and 54 are described with reference to Figure 10.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1, 2, 4, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Takiguchi (U.S. Patent No. 5,130,935).**

8. Regarding *claim 1*, Takiguchi discloses first (2) and second (3) skin color counting units for summing the number of pixels of a specific color within a certain range, a correction quantity operation unit (6) for obtaining a color adjustment amount for canceling a difference between an optimum value and the result of summing up (col. 2, lines 47-52), and a color correction unit (7) for correcting the color image data. Additionally, Takiguchi discloses applying a weighting

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factor to certain areas within an image to achieve smoothness (col. 6, lines 41-65 and col. 7, lines 42-51). The weighting factor and the correction factor are used to generate the correct color.

9. As for *claim 2*, the first (2) and second (3) skin color counting units sums the number of pixels within a certain hue range value (col. 2, lines 47-52).

10. With regard to *claim 4*, the first (2) and second (3) skin color counting units sums the number of pixels within a certain hue range value (col. 2, lines 47-52). Inherently the parameters of the u'-v' chromaticity diagram would have to be stored in memory in order to determine perform the operations.

11. *Claim 7* is considered a method claim corresponding to claim 1. Please see the discussion of claim 1 above.

12. *Claim 8* is considered a computer program claim corresponding to claim 1. As shown in Figure 4, the apparatus includes a CPU (40), ROM (41), and RAM (42) which inherently are operated using computer programming codes. Please see the discussion of claim 1 above.

13. *Claim 9* is considered substantively equivalent to claim 1. Please see the discussion of claim 1 above.

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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15. **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takiguchi (U.S. Patent No. 5,130,935) in view of Maltz (U.S. Patent No. 5,307,182).**

16. As mentioned above in the discussion of claim 1, Takiguchi discloses all of the limitations of the parent claim. However, Takiguchi fails to explicitly state that an average value for every elemental color is computed. Maltz, on the other hand, discloses that it is well known in the art to compute an average value for every elemental color to produce a color adjustment amount. As disclosed in column 9, lines 25-59, Maltz discloses determining the average of each elemental color mapping each of those colors to a target value. The target value is interpreted to be the optimum value. The histogram approach is used to minimize the breakup of the image. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the histogram approach so that a high quality image is formed.

17. **Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takiguchi (U.S. Patent No. 5,130,935) in view of Inoue (U.S. Patent No. 6,097,836).**

18. As mentioned above in the discussion of claim 1, Takiguchi discloses all of the limitations of the parent claim. However, Takiguchi fails to specifically disclose correcting a tone curve to perform the color correction. Inoue on the other hand discloses adjusting a tone curve based on input parameters to effect color correction for each one of the R, G, B, components. See column 10, line 6 to column 12, line 67. By initially setting up and changing a tone curve correction can be performed for a specific color at a high quality level (col. 13, lines 18-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to perform the color correction of Takiguchi by adjusting a tone curve.

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*Allowable Subject Matter*

19. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

20. The following is a statement of reasons for the indication of allowable subject matter:

Regarding *claim 3*, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest that the color adjustment amount correcting means corrects the color adjustment amount on the basis of only addition and subtraction operation of the fixed elemental color elements of each pixel.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (For either formal or informal communications intended for entry. For informal or draft communications, please label "**PROPOSED**" or "**DRAFT**")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-1460. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm EST.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service desk whose telephone number is (703) 306-0377.



John M. Villecco  
3/16/04



WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600